

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

SECURITIES AND EXCHANGE COMMISSION, :

Plaintiff, :

v. :

12-CV-07094 (KPF)

WALDYR DA SILVA PRADO NETO, :

Defendant. :

**MOTION TO AUTHORIZE FIRST AND FINAL PAYMENT OF FEES
AND EXPENSES AND TO DISCHARGE RECEIVER**

October 7, 2014

Scott M. Dimond, Esq.
Court-appointed Receiver
Dimond Kaplan & Rothstein, P.A.
Offices at Grand Bay Plaza
2665 South Bayshore Drive, PH-2B
Coconut Grove, Florida 33133
Telephone: (305) 374-1920
Facsimile: (305) 374-1961

PLEASE TAKE NOTICE that, upon the accompanying Memorandum of Law in Support of Motion to Authorize First and Final Payment of Fees and Expenses and to Discharge Receiver (the "Memorandum of Law") and the Declaration of Court-Appointed Receiver Scott M. Dimond (the "Receiver"), the Receiver hereby moves the Honorable Katherine Polk Failla, United States District Judge, in Courtroom 618, Thurgood Marshall United States Courthouse, 40 Foley Square, New York, NY 10007, for an order: (1) authorizing the payment of fees and expenses incurred by the Receiver and his law firm and by the Receiver's Retained Personnel in connection with this matter between February 10, 2014 and September 29, 2014 in the total amount of \$43,129.81; and (2) discharging the Receiver as a Court-appointed receiver under the auspices of this action.

As detailed in the accompanying Memorandum of Law, the work the Receiver was appointed to do in this case has been accomplished. As such, the Receiver now is applying for authorization to be paid reasonable compensation and for the reimbursement of expenses incurred by the Receiver and his Retained Personnel as described in the U.S. Securities and Exchange Commission (the "Commission") Billing Instructions for Receivers in Civil Actions Commenced by the Commission. In conjunction therewith, the Receiver also seeks his discharge because he has completed those Court-appointed tasks.

As explained to this Court on September 8, 2014, the Receiver will not request an in-person hearing on this motion, but rather requests the Court hold a telephonic hearing or rule on the papers.

Wherefore, Scott M. Dimond, as Court-appointed Receiver, respectfully requests that this Court enter an order: (1) authorizing a distribution for payment to the Receiver of compensation and expenses in the amount of \$43,129.81 (which includes the fees and costs of the Receiver's Retained Personnel); (2) authorizing distribution to the Commission of the remaining balance of the Receivership account of \$556,737.28; and (3) discharging the Receiver.

Respectfully submitted,

Executed: Miami, Florida
Date: October 7, 2014

By: _____



Scott M. Dimond, Esq.
Fla. Bar No.: 995762
SDimond@dkrpa.com

Dimond Kaplan & Rothstein, P.A.
Offices at Grand Bay Plaza
2665 South Bayshore Drive, PH-2B
Coconut Grove, Florida 33133
Telephone: (305) 374-1920
Facsimile: (305) 374-1961